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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,345	03/27/2001	Fumiaki Ito	862.C2182	8902
5514	7590	06/21/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			VO, HUYEN X	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/817,345	ITO ET AL.	
	Examiner	Art Unit	
	Huyen X Vo	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609 subsection III. A(1) states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609 subsection III. C(1).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al. (US Patent No. 6269336).

4. Regarding claims 1, 10, and 16, Ladd et al. disclose a data processing apparatus/method with recording medium and processor for providing a browser apparatus with the contents of data provided on a network in a form of voice data (Fig 1), comprising: means for forming, on the basis of the data provided on said network, voice data indicating a part or the whole of the contents of the data (*col. 11, lines 30-49, VRU converts voice input into data understandable by the information sources; VRU converts data from information sources into voice for user*); means for storing the formed voice speech data (*col. 11, lines 37-49, VRU converts voice input into data understandable by the information sources; VRU converts data from information sources into voice for user*); means for forming data by adding to the data provided on said network an identifier indicating a location where the voice data is stored (*col. 25, lines 46-65*); and means for providing said browser apparatus with the data to which the identifier is added (*col. 25, lines 46-65*).

5. Regarding claims 2, 11, and 17, Ladd et al. disclose a data processing apparatus/method with recording medium and processor for permitting a browser apparatus to respond by voice to data provided on a network, comprising: means for checking whether the contents of the data provided on said network include a content requiring a response from said browser apparatus (*col. 14, lines 43-67*); means for forming data by adding to the data provided on said network an identifier indicating a recipient of the response sent by voice data from said browser apparatus based on a result of the checking performed by the checking means (*col. 25, lines 1-40 and/or col. 4, lines 36-60, communication is established between the client device and the VRU and between the VRU and the information sources. Thus, retrieved information is forwarded to the specific client device based on established communication channel*); and means for providing said browser apparatus with the data to which the identifier is added (*col. 4, lines 36-60*).

6. Regarding claims 3, 12 & 18, Ladd et al. discloses recognizing the means for performing voice recognition for voice data related to the response, when the voice data is supplied from said browser apparatus to said recipient (*Col. 7, Lines 45-55*).

7. Regarding claims 4, 13 & 19, Ladd et al. discloses the means for forming response data in a form suited to a server for receiving the response on said network, on the basis of the result of recognition by said recognizing means (*Col. 14, Lines 1-17*); and means for providing the response data to said server (*Col. 8, Lines 55 - 65*).

8. Regarding claims 5, 14 & 20, Ladd et al. discloses means for forming a recognition grammar for recognizing voice data related to each of a plurality of predetermined items, when the response is to be selected from said plurality of items (Col 7, Lines 49 -55); means for determining, on the basis of the recognition grammar, to which item the voice data related to the response from said browser apparatus corresponds (Col. 9, Lines 31 - 44', Col 14, Lines 18 - 25); means for forming response data in a form suited to a server for receiving the response on said network, in accordance with each item (Col 9, Lines 21-24); and means for providing the response data to said server (col. 9, Lines 11-18).

9. Regarding claims 6, 15 & 21, Ladd et al. discloses that the response data is formed before data to which the identifier is added is provided to said browser apparatus Ladd et al. describes recognition e.g. timeouts etc. that may be played to the user before a real data response (Col. 14, Lines 43 -55).

10. Regarding claim 7, Ladd et al. discloses a browser/data processing system comprising a browser apparatus, a server for providing data to said browser apparatus via a network, and a data processing apparatus for providing said browser apparatus with the contents of data provided by said server in a form of voice data, wherein said data processing apparatus (Fig 1) comprises: means for forming, on the basis of the data provided by said server, voice data indicating a part or the whole of the contents of

the data (Fig 1(252))., means for storing the formed voice data (Col. 10, Lines 45 - 57)., means for forming data by adding to the data provided by said server an identifier indicating a location where the voice data is stored (Col 4, Line 40 - 45); and means for providing said browser apparatus with the data to which the identifier is added, and said browser apparatus comprises means for acquiring the voice data from the location indicated by the identifier and outputting a voice related to the voice data (Col 4, Lines 41 - 50).

11. Regarding claim 8, Ladd et al. discloses a browser/data processing system comprising a browser apparatus, a server for providing data to said browser apparatus via a network, and a data processing apparatus for permitting the browser apparatus to respond by voice to data provided by said server (Fig 1), wherein said data processing apparatus comprises: means for checking whether the contents of the data provided on said network include a content requiring a response from said browser apparatus (Col 4, Lines 43 -46); means for forming data by adding to the data provided by said server an identifier indicating a recipient of the response sent by voice data from said browser apparatus (Col 4, Lines 41 - 45)., means for providing said browser apparatus with the data to which the identifier is added (Col 4, Lines 47 - 50); recognizing means for performing voice recognition for voice data related to the response, when the voice data is supplied from said browser apparatus to said recipient (Col 7, Lines 45 - 55); means for forming response data in a form suited to said server for receiving the response, on the basis of the result of recognition by said recognizing means (Col 8, Lines 55 - 65).,

and means for providing the response data to said server, and said browser apparatus comprises: means for inputting a voice; means for forming voice data on the basis of the input voice (Col 4, Line 5 - 18)., and means for supplying the formed voice data to a recipient indicated by the identifier (col. 4, 36 - 50).

12. Regarding claim 9, Ladd et al. discloses a browser system comprising a browser apparatus, a server for providing data to said browser apparatus via a network, and a data processing apparatus for providing the contents of data provided by said server in a form of voice data to said browser apparatus, and permitting said browser apparatus to respond by voice to data provided by said server, wherein said data processing apparatus (Fig 1) comprises: means for forming, on the basis of the data provided by said server, voice data indicating a part or the whole of the contents of the data (Fig 1(252)); means for storing the formed voice data; means for forming data by adding to the data provided by said server a first identifier indicating a location where the voice data is stored (col. 10, Lines 45 - 57); means for providing said browser apparatus with the data to which the first identifier is added (Col 4, Line 40 - 45); means for checking whether the contents of the data provided by said server include a content requiring a response from said browser apparatus (Col 4, Lines 41 - 45)', means for forming data by adding to the data provided by said server a second identifier indicating a recipient of the response sent by voice data from said browser apparatus (Ladd et al. describes a notification address for sending information responses via a pager, email or other electronic forms (Col 25, Lines 30 - 38); means for providing said browser apparatus

with the data to which the identifier is added (col. 4, Lines 47 - 50); recognizing means for performing voice recognition for voice data related to the response, when the voice data is supplied from said browser apparatus to said recipient (col. 4, Lines 41 - 45); means for forming response data in a form suited to said server for receiving the response, on the basis of the result of recognition by said recognizing means (Col 8, Lines 55 - 65); and means for providing the response data to said server, and said browser apparatus comprises: means for acquiring the voice data from the location indicated by the first identifier and outputting a voice related to the voice data (Col 8, Line 55 - Col 9, Line 25); means for inputting a voice (col. 9, Line 55 -60)', means for forming voice data on the basis of the input voice (col. 9, Line 45- 50); and means for supplying the formed voice data to a recipient indicated by the second identifier fl-add et al. describes the use of a speech synthesizer to deliver responses that can be emailed or delivered in other electronic forms to respond to a user request (Col 10, Line 58 - Col 11, Line 5., Col 25, Lines 30 - 38).

13. Regarding claims 22-30, Ladd et al. discloses that the data provided on said network is described in a markup language, and the identifier is added to the data as a tag corresponding to the markup language (Col 3, 6 - 20).

14. Regarding claim 32, Ladd et al. discloses a the means for acquiring voice data from a location indicated by a given second identifier and outputting a voice related to the voice data (Ladd et al. describes that the data can be shared over a network where

the browser can retrieve information from email and other electronic forms (Fig 1(200, 211,203,248), Col 8, Line 55 - Col 9, Line 25).

15. Regarding claim 33, Ladd et al. discloses a data processing apparatus capable of communicating with a server and a browser apparatus via a network, comprising: means for forming, on the basis of data provided by said server, voice data indicating a part or the whole of the contents of the data; means for storing the formed voice data (Fig 14252)); means for adding to the data provided by said server a first identifier indicating a location where the voice data is stored (Col 10, Lines 45 - 57); means for checking whether the contents of the data provided by said server include a content requiring a response from said browser apparatus (Col 4, Lines 43 -W6); means for further adding, when the contents of the data provided by said server have contents requiring a response, a second identifier indicating a recipient of the response to the data to which the first identifier is added (*Ladd et al. describes the use of a speech synthesizer to deliver responses that can be emailed or delivered in other electronic forms to respond to a user request*) (Col 10, Line 58 - Col 11, Line 5., Col 25, Lines 30 - 38); means for providing said browser apparatus with the data to which the first identifier or the first and second identifiers are added (Col 4, Line 40 - 45); recognizing means for performing voice recognition for voice data related to the response, when the voice data is supplied from said browser apparatus to said recipient (Col 4, Lines 41 - 45); means for forming response data in a form suited to said server for receiving the response, on

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the basis of the recognition result by said recognizing mean (col. 8, Lines 55 - 65)s; and means for providing the response data to said server (Col 4, Line 5 - 18).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klarlund et al. (EP 878948A2, incorporated by reference) teach an audio browsing adjunct executing a voice-xml browser that is considered pertinent to the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

6/6/2005


SUSAN MCFADDEN
PRIMARY EXAMINER